

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 34

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY S. KING
and SILVIA M. VITERI

Appeal No.95-3292
Application 08/115,975¹

ON BRIEF

Before URYNOWICZ, MARTIN and FLEMING, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1, 2, 5, 7 and 9-12, all the claims pending in the application.

¹ Application for patent filed September 3, 1993. According to Appellants, this application is a continuation of 07/839,713, filed February 24, 1992, now abandoned, which is a continuation of Application 07/545,157, filed June 28, 1990, now abandoned.

The invention pertains to a call receiver having selectable displays. Claim 1 is illustrative and reads as follows:

1. A selective call receiver comprising:

means for receiving a first type message and a second type message wherein the first type message being characterized by having a message length less than a predetermined threshold;

determining means, coupled to the receiving means, for determining whether the received message is the first type message or the second type message in response to the message length of the received message and the predetermined threshold;

a housing for enclosing the receiving means and the determining means therein, the housing comprising:

first display means, positioned on and integrally coupled with a first surface of the housing forming a portion of the surface thereof, for displaying the received first type message in response to the determining means; and

second display means, positioned on and integrally coupled with a second surface of the housing, for displaying the received second type message in response to the determining means; and

a selector, coupled to the determining means, for selecting the second display means for displaying the second type message, and for deselecting the second display means when the second type message has been displayed for conserving battery power.

The references relied upon by the examiner as evidence of obviousness are:

Nakajima et al. (Nakajima)	4,477,807	Oct. 16, 1984
Ichikawa et al. (Ichikawa)	4,626,842	Dec. 02, 1986
Fujisaku et al. (Fujisaku)	4,684,935	Aug. 04, 1987
Ide et al. (Ide)	4,940,975	Jul. 10, 1990

The appealed claims stand rejected as follows:

(a) claims 1, 5, 7 and 9-12 are rejected under 35 U.S.C. § 103 as unpatentable over Ichikawa, Fujisaku and Ide.²

(b) claim 2 is rejected under 35 U.S.C. § 103 as unpatentable over Ichikawa, Fujisaku, Ide and Nakajima.³

The respective positions of the examiner and the appellants with regard to the propriety of these rejections are set forth in the final rejection (Paper No. 25), the examiner's answer (Paper No. 31) and the appellants' brief (Paper No. 30).

Appellants' Invention

Appellants disclose a selective call paging receiver having first and second displays positioned on first and second surfaces of a housing. The first display is relatively small and is for displaying a first type message having a message length less than a predetermined threshold length and the second display is larger for displaying a second type message having a message length greater than the predetermined threshold length. The first display is deactivated when the second type message is received. After the second type message has been displayed, the second display is

² Although Ide is not mentioned in the examiner's formal statement of the rejection of claim 5, it is apparent that this reference is applied to the claim for the same reason as it is applied to the other claims of this group. Ide was applied against claim 1 and in the final rejection at page 5, the examiner stated, "Claim 5 differs from claim 1 in that claim 5 further includes a transmitter with a decoding scheme prior to transmitting any signals." Thus, the appellants had notice of Ide with respect to claim 5.

³ Although Ide is not mentioned in the examiner's formal statement of the rejection of dependent claim 2, it is apparent that Ide is applied against claim 2 for the same reason as it is applied to claim 1, from which it depends.

deactivated to conserve battery power.

Appellants further disclose a paging transmitter. It comprises apparatus for transmitting the first and second type messages to at least one call receiver. A determining means of the transmitter determines whether the message to be transmitted is of the first or second type. An encoding means, responsive to the determining means, encodes the message as the first type message or the second type message for transmission to the at least one call receiver.

Opinion

Among other things, appellants maintain that there is no teaching or suggestion in the prior art to combine Ichikawa and Fujisaku in the manner suggested by the examiner as to all of the claims on appeal. The examiner asserts at page 4 of the examiner's answer that since Fujisaku teaches the use of two separate LCD displays to display graphic and character information, the utilization of these features in Ichikawa would provide two independent LCDs in the pager receiver of Ichikawa. Still further, in the sentence bridging pages 4 and 5 of the answer, it is asserted that this would provide a first display means on a first surface and a second display means on a second surface of Ichikawa's pager receiver.

We agree with appellants' position and will not sustain the rejection of the claims. The examiner simply has not carried his burden of showing a teaching or suggestion in the prior art for combining Ichikawa and Fujisaku. It has merely been shown that combining the two references produces a significant part of the claimed invention. Having failed to establish the requisite teaching or suggestion, a **prima facie** case of obviousness has not been established. In re Fritch,

972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-1784 (Fed. Cir. 1992).

Ichikawa discloses a paging receiver adapted to receive a radio-frequency paging signal having a preamble, a subscriber's address word and a message. The receiver includes a single display unit, a memory for storing the message and a data processing unit. The data processing unit detects a match between a received address word and a subscriber's address word to store the received message into memory, generates a numeral indicating the degree of freshness of the received message, and detects whether the received message is greater in length than the capacity of the display unit. The processing unit generates in response to the operation of a reset key, a display with an indication of the presence of a message segment to be subsequently displayed if the total length of the message is greater than the capacity of the display unit, or generates a display including an indication that the message segment being displayed is a continuation from the previously displayed message segment if the total length of the message is greater than the capacity of the display unit.

Fujisaku relates to a display system comprising a first image memory storing first image data, a second image memory storing second image data operable independently from the first image memory, a display selection and combination circuit, and two liquid crystal display units.

The display selection and combination circuit is connected to the first and second image memories and it is formed such that the display units display a combination of data from the image memories according to a display request. Usually, one of the first and second image memories stores character information, such as letters and numerals, and the other stores graphic information, such as figures and curves. The system is able to display graphic data and character data individually or in combination, so as to prevent inadvertent deletion of character data due to interference from graphic data or vice versa. In achieving his improvement, Fujisaku resorts to two display units rather than the single display unit of the prior art.

Ichikawa addresses the problem of displaying a sender's message on a single display unit of a paging receiver, the display unit having a limited number of display segments available. Ichikawa lacks any suggestion of using a plurality of display units, one to display a short message and another to display a long message all at once, or of transmitting character and graphic data to a paging receiver. Fujisaku teaches the use of plural display units in a display system designed to prevent the inadvertent deletion of character and graphic data experienced in prior art display systems. Although Fujisaku concerns the display of character and graphic data on separate display units, it lacks any suggestion of transmitting character and graphic data in a paging system from a transmitter to a receiver. Neither Ichikawa nor Fujisaku, alone or in combination, appears to provide any incentive to combine their teachings. The inadvertent deletion of character and/or graphic data, the problem which Fujisaku seeks to overcome, is not a problem in Ichikawa. Such being the case, there appears to be no teaching or motivation which would have suggested to one

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of ordinary skill in the art to utilize the two LCDs of Fujisaku in Ichikawa.

We have not sustained the rejection of claims 1, 2, 5, 7 and 9-12 under 35 U.S.C. § 103.

Accordingly, the examiner's decision is reversed.

REVERSED

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)
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) BOARD OF PATENT
) APPEALS AND
JOHN C. MARTIN) INTERFERENCES
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